

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

PRISCILLA ERVE,

Plaintiff,

v.

Case Number 11-12991
Honorable David M. Lawson
Magistrate Judge Mark A. Randon

MICHIGAN DEPARTMENT OF CIVIL RIGHTS,

Defendant.

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION
DENYING PLAINTIFF'S MOTION TO AMEND, MOTION FOR EXTENSION
OF TIME TO FILE RESPONSE, AND MOTION TO STAY
AND GRANTING DEFENDANT'S MOTION TO DISMISS**

Presently before the Court is the report issued on November 30, 2011 by Magistrate Judge Mark A. Randon pursuant to 28 U.S.C. § 636(b), recommending that this Court grant the defendant's motion to dismiss and deny the plaintiff's motions to amend, for extension of time to file a response and to stay. Although the Magistrate Judge's report explicitly stated that the parties to this action may object to and seek review of the recommendation within fourteen days of service of the report, no objections have been filed thus far. The parties' failure to file objections to the Report and Recommendation waives any further right to appeal. *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the Magistrate Judge's report releases the Court from its duty to independently review the matter. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the Magistrate Judge.

Accordingly, it is **ORDERED** that the Magistrate Judge's Report and Recommendation [dkt. #57] is **ADOPTED**.

It is further **ORDERED** that the defendant's motion to dismiss [dkt. #17] is **GRANTED**.

It is further **ORDERED** that the plaintiff's motion to amend caption [dkt. #21], motion for an extension of time to file a response [dkt. #22] and motion for a stay [dkt. #23] are **DENIED**.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: January 9, 2012

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on January 9, 2012.

s/Deborah R. Tofil
DEBORAH R. TOFIL